



City of Sunnyvale

Meeting Minutes Planning Commission

Monday, April 8, 2024

7:00 PM

Online and Bay Conference Room
(Room 145), City Hall,
456 W. Olive Ave.,
Sunnyvale, CA 94086

No Study Session | Public Hearing - 7:00 PM

NO STUDY SESSION

7 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

Chair Pyne called the meeting to order at 7:00 PM.

SALUTE TO THE FLAG

Chair Pyne led the salute to the flag.

ROLL CALL

Present: 7 - Chair Martin Pyne
Vice Chair Nathan Iglesias
Commissioner Galen Kim Davis
Commissioner Daniel Howard
Commissioner John Howe
Commissioner Michael Serrone
Commissioner Neela Shukla

ORAL COMMUNICATIONS

Chair Pyne announced that board and commission recruitment is underway for openings on the City's various boards and commissions. He provided some details on the application and interview process for these openings.

There were no public speakers for this agenda item.

CONSENT CALENDAR

There were no public speakers for this agenda item.

MOTION: Commissioner Howe moved and Commissioner Howard seconded the

motion to approve the Consent Calendar.

Commissioner Davis disclosed that he has been in continuous email communication with the applicant for the proposed project described in Agenda Item 1.C.

The motion carried by the following vote:

Yes: 6 - Vice Chair Iglesias
 Commissioner Davis
 Commissioner Howard
 Commissioner Howe
 Commissioner Serrone
 Commissioner Shukla

No: 0

Abstained: 1 - Chair Pyne

1.A [24-0535](#) Approve Planning Commission Meeting Minutes of March 25, 2024
 Approve Planning Commission Meeting Minutes of March 25, 2024 as submitted.

1.B [24-0547](#) **REQUEST FOR A CONTINUANCE TO APRIL 22, 2024**

Proposed Project: Related applications on a 0.21-acre site:
 TENTATIVE PARCEL MAP to subdivide a 9,397 square foot lot into two lots (Lot 1 - 5,128 square feet and Lot 2 - 4,269 square feet);
 USE PERMIT to allow lot area and lot widths less than the minimum required; and
 DESIGN REVIEW to demolish an existing one-story single-family home and construct two new, two-story single-family homes resulting in 2,587 square feet for Lot 1 (2,184 square foot living area and 403 square foot garage); and 2,570 square feet for Lot 2 (2,166 square foot living area and 404 square foot garage), resulting in 55% total floor area ratio (FAR).

Location: 258 West California Avenue (APN: 204-51-005)

File #: 2019-7552

Zoning: R-2

Applicant / Owner: George Novitskiy (applicant) / Hanson America LLC (owner)

Environmental Review: A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act (CEQA) provisions

Project Planner: Cindy Hom, (408) 730-7411, chom@sunnyvale.ca.gov

RECOMMENDATION

Continue the Planning Commission hearing date to April 22, 2024.

1.C [24-0562](#) **REQUEST FOR A CONTINUANCE TO APRIL 22, 2024**

Proposed Project: Related applications on three sites totaling 1.74 acres:

GENERAL PLAN AMENDMENT: Amend the General Plan land use designation from Commercial to either Medium Density (15-24 du/ac) or High Density (25-36 du/ac) Residential.

REZONE: Rezone from Neighborhood Business with a Planned Development combining district (C-1/PD) to either Medium Density Residential (R-3) or High Density Residential (R-4) with a Mixed Use (MU) and Planned Development (PD) combining district.

File #: 2022-7146

Location: 1313 South Wolfe Road (APNs 309-10-026 and 309-10-027) and 898 East Fremont Avenue (APN 309-10-015)

Current Zoning: C-1/PD (Neighborhood Business with a Planned Development combining district)

Applicant / Owner: 4Terra Investments (applicant)/Desmond Family Real Estate Limited Partners (Owner)

Environmental Review: Mitigated Negative Declaration

Project Planner: Mary Jeyaprakash, (408) 730-7449, mjeyaprakash@sunnyvale.ca.gov

RECOMMENDATION

Continue the Planning Commission hearing date to April 22, 2024.

PUBLIC HEARINGS/GENERAL BUSINESS

2. [24-0468](#) **Proposed Project:**

APPEAL of a decision by the Director of Community Development approving a **DESIGN REVIEW** to construct a first-story addition of 462 square feet and a new 522 square feet second-story addition to an existing one-story single-family home, resulting in 2,920 square feet (2,452 square foot living area and 414 square foot garage) that utilizes a Green Building incentive for a 47.9% floor area ratio (FAR).

Location: 1585 Mallard Way (APN: 309-31-071)

File #: PLNG-2023-0668

Zoning: R-0 (Low-Density Residential)

Appellant: Zhongwan Wang and Haohan Li; Bernita Lee; and Sona Varty and Advait Mogre

Applicant/Owner: Azadeh Masrour / Suyash Jain

Environmental Review: Class 1 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions.

Project Planner: Shila Bagley, (408) 730-7418,
sbagley@sunnyvale.ca.gov

Senior Planner Shila Bagley presented the staff report with a slide presentation.

At Commissioner Davis' request, Planning Officer Shaunn Mendrin explained that the Planning Commission has limited discretion to deny the proposed project since it complies with the City's zoning standards and design guidelines.

Chair Pyne asked whether the Planning Commission may grant the appeals if the Commission determines that the proposed project does not meet zoning requirements. Planning Officer Mendrin advised that in this event, the Planning Commission should instead approve a continuance for the proposed project and recommend changes to be incorporated in the proposed project.

Chair Pyne confirmed with Senior Planner Bagley that the Planning Commission's decision is final.

Chair Pyne confirmed that since the City tree referenced in the staff report is in the public right of way, only the City may make the determination to remove it.

At Vice Chair Iglesias' request, Senior Planner Bagley elaborated on the measures for dust control that comply with construction best management practices. Vice Chair Iglesias confirmed with Senior Planner Bagley that there are no additional required measures for construction that is adjacent to hospitals or schools.

Commissioner Shukla confirmed with Senior Planner Bagley that the City provides grants for home improvement assistance to eligible applicants. Planning Officer Mendrin added that the developer and applicants of the proposed project may choose to implement dust control measures that exceed what is required at their own cost.

Commissioner Serrone asked whether there is a way to quantify the number of days that dust would be generated by the proposed project. Senior Planner Bagley advised that the contractor of the proposed project may provide a response.

Commissioner Howard commented that incentives are offered for certain home improvements.

Chair Pyne opened the Public Hearing.

Zhongwan Wang and Haohan Li, appellants, presented additional images and information to support their case.

Commissioner Davis confirmed that the appellants were unaware of the updated solar analysis conducted for the proposed project.

At Commissioner Davis' request, the appellant further explained how the proposed project's additional windows would infringe on their privacy.

At Vice Chair Iglesias' request, the appellants elaborated on their concerns regarding the initial solar analysis because it did not include the rear portion of their house. Planning Officer Mendrin provided an overview of the solar analysis and stated that results of the updated analysis indicate that the percentage of the appellants' roof shaded by the proposed project falls under the percentage of maximum shading allowed by the Sunnyvale Municipal Code (SMC).

Commissioner Serrone confirmed that the appellants are not in support of the proposed project's additional first-floor windows that face their property.

Commissioner Howard offered his interpretation of the appellants' shaded roof depicted in their presentation.

Commissioner Shukla confirmed that the appellants' property currently includes a first-floor window that faces the proposed project's three first-floor windows.

At Chair Pyne's request, the appellants described the methods they used to conduct their own solar analysis.

Bernita Lee, appellant, was not in attendance.

Sona Varty and Advait Mogre, appellants, presented additional information to support their case.

Commissioner Davis confirmed that while the appellants are aware of existing City policies regarding dust mitigation, acceptable construction hours, and noise mitigation, they are concerned about the possibility that these policies will not be abided by.

Commissioner Davis noted that the appellants' property is closer in proximity to Wolfe Road than it is to the applicants' property. He added that Wolfe Road generates a lot of noise and dust due to ongoing construction and traffic. The appellants clarified their greater concern about the impacts of the proposed project rather than aspects of Wolfe Road.

Commissioner Serrone confirmed that the appellants currently use HEPA filters throughout their home. The appellants emphasized the importance of utilizing proper dust and mold mitigation measures throughout the demolition and construction phases of the proposed project.

Commissioner Shukla provided information about the City of Palo Alto's ordinance regarding demolition and questioned whether the applicants would consider implementing greater dust mitigation measures, albeit at a higher cost.

Vice Chair Iglesias confirmed that the appellants are requesting the implementation of proper dust and noise mitigation measures if the applicants are unable to reconsider the proposed project's design to make it one story instead of two.

At Vice Chair Iglesias' request, Planning Officer Mendrin clarified that it is the responsibility of the applicant and contractor to follow best management practices for controlling construction dust and noise. Planning Officer Mendrin also clarified that the City's building inspectors may inspect the construction site to check that the contractor is implementing best management practices for dust control and utilize methods for measuring noise produced by the construction of the proposed project.

Commissioner Howe confirmed with Principal Planner Julia Klein that the updated solar analysis is accurate.

Suyash Jain and Ramya Sarangarajan, applicants, presented additional images and information on the proposed project.

Commissioner Davis confirmed with the applicants the height of the fence they share with the appellants at 1579 Mallard Way.

Commissioner Howard thanked the applicants for providing an explanation of the updated solar analysis conducted for the proposed project.

Commissioner Serrone confirmed with the applicants that the proposed project will generate dust for approximately one month. It is during this time that the demolition phase will take place. Azadeh Masrou, designer and architect for the proposed project, provided additional information.

Vice Chair Iglesias noted the importance of considering concerns raised by neighbors regarding the proposed project.

Chair Pyne stated that the Planning Commission received letters both in support of and in opposition to the proposed project.

Commissioner Shukla confirmed with Azadeh Masrou that best management practices will be utilized to mitigate dust generated by the proposed project. Mr. Masrou added that practices beyond these may not be cost effective.

At Commissioner Howard's request, the applicants explained how the mold present in their home will be addressed when construction is underway.

Commissioner Howe asked clarifying questions and confirmed the maximum allowable residential fence height of eight feet (6-foot solid, 2-foot lattice) with Senior Planner Bagley. He also confirmed the applicants' willingness to install a lattice on the fence they share with the appellants at 1579 Mallard Way to help address privacy concerns.

Sam Sudarsanam, Sunnyvale resident, spoke in support of the proposed project and explained why.

Chetan Ramesh, Sunnyvale resident, spoke in support of the proposed project and explained why.

Suyash Jain and Ramya Sarangarajan, applicants, presented additional information about the proposed project.

Sona Varty and Advait Mogre presented additional information to support their case.

Bernita Lee was not in attendance.

Zhongwan Wang and Haohan Li presented additional information to support their case.

Chair Pyne closed the Public Hearing.

Commissioner Serrone and Planning Officer Mendrin discussed the method that will be used to determine the amount of dust generated for the proposed project.

Commissioner Howard confirmed with Principal Planner Klein that the proposed project must comply with the state's regulations for mold remediation. Principal Planner Klein added that these regulations will be enforced by the City's Building division.

Vice Chair Iglesias confirmed with Principal Planner Klein that a thorough review was conducted to ensure that the updated solar analysis is accurate. Principal Planner Klein added that the updated shadow study includes a before and after analysis that shows the proposed second story would not cast a shadow on the roof of the property at 1579 Mallard Way at the times shown in the study.

Commissioner Shukla confirmed with Principal Planner Klein that a second-story accessory dwelling unit (ADU) with the same design and massing as the proposed second-story addition would be exempt from the design review process and that there would be no public review and no option for appeal.

Commissioner Davis confirmed with Senior Planner Bagley that the City has a study issue process whereby residents may propose the establishment of a residential single-story combining district to restrict the addition of two-story residential developments within their neighborhood.

Commissioner Serrone confirmed with Principal Planner Klein that the updated solar analysis includes a before and after analysis. The before analysis shows that the existing single-family home casts a two percent (2%) shadow on the roof of the property at 1579 Mallard Way and the after analysis shows the proposed second-story addition would not cast a shadow on the roof of 1579 Mallard Way at the times shown in the study.

MOTION: Commissioner Howe moved and Vice Chair Iglesias seconded the motion to recommend Alternative 1 – Deny the appeals and uphold the decision of the Director of Community Development to approve the Design Review Permit for the proposed addition to the existing single-family home based on the Recommended Findings for Approval in Attachment 3 and subject to the Conditions of Approval in

Attachment 4. This motion included a strong recommendation that the applicants collaborate with their neighbors at 1579 Mallard Way to add a lattice on their shared fence to raise its height.

Commissioner Howe stated that the proposed project must be approved since it meets all SMC requirements and design review objectives.

Vice Chair Iglesias noted that there is no basis to deny the proposed project and he stressed the importance of preserving the rights of all individuals who come before the Planning Commission.

Commissioner Howard shared his conclusion that the proposed project meets all the requirements for approval and that any objections that have been raised are addressed by the City's construction standards and best management practices. He then voiced his support of the motion.

Commissioner Serrone stated his support of the motion since the proposed project meets all of the City's requirements and there is no basis to support the appeals.

Commissioner Davis spoke in support of the motion, explained why, and stated that there is no legal basis to grant the appeals.

Commissioner Shukla thanked the appellants for sharing their concerns with the Planning Commission and confirmed her support of the motion.

Chair Pyne stated that he is supportive of motion, can make the findings to support the proposed project, and cannot find any reason to grant the appeals. He added that he is confident in staff's analysis of the updated solar analysis as well as the policies in place to mitigate dust, noise, and mold. Lastly, he explained the study issue process to make existing policies more stringent.

The motion carried by the following vote:

Yes: 7 - Chair Pyne
Vice Chair Iglesias
Commissioner Davis
Commissioner Howard
Commissioner Howe
Commissioner Serrone
Commissioner Shukla

No: 0

This decision is final.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

None.

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

Commissioner Howard noted that there are currently no Irish pubs on Murphy Avenue until Fibbar Magee's reopens in May 2024.

Commissioner Davis encouraged anyone interested to apply for vacant Boards and Commissions positions. Chair Pyne added that two of these positions are on the Planning Commission.

-Staff Comments

Planning Officer Shaunn Mendrin announced that Planning Commission meetings will likely take place in the Council Chambers beginning in June 2024. He also advised the Planning Commissioners of a system that will allow them to review, annotate, and bookmark meeting documents electronically.

ADJOURNMENT

Chair Pyne adjourned the meeting at 9:34 PM.